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| Title      | Juvenile Joinder (adopt Cal. Rules of Court, rule 1434; adopt Form JV-540)  |
| Summary    | The proposed joinder rule would provide protocols for the joinder of government agencies and private service providers in juvenile court proceedings. The proposed mandatory form is intended to make it easier to give notice of the joinder hearing to the party to be joined.  |
| Source     | Family and Juvenile Law Advisory Committee  |
| Staff      | Beth Kassiola, 415-865-7697   |
| Discussion | <p>Under Welfare and Institutions Code sections 362 and 727, the juvenile court may, after giving notice and an opportunity to be heard, join in the juvenile court proceedings any government agency or private service provider that has failed to meet a legal obligation to provide services to the child. (A copy of the text of the relevant statutory provisions is attached.) A private service provider is defined as any agency or individual receiving federal, state, or local government funding or reimbursement for providing services.</p> <p>The purpose of such joinder is to facilitate the coordination and cooperation of government agencies and private service providers. The proposed rule would specify the basis for such joinder and provide protocols for both the notice and conduct of the hearing. The proposed form would be used to provide a uniform notice of the joinder hearing to the agency or individual to be joined.</p> |
|            | Attachment  |

## PROPOSAL

Rule 1434 of the California Rules of Court would be amended effective January 1, 2002, to read:

### **Rule 1434. Joinder**

**(a) [Basis for joinder (§§ 362, 727)]** After a child has been adjudged a dependent child or a ward of the court, the court may join in the court proceedings any government agency or private service provider that the court determines has failed to meet a legal obligation to provide services to the child.

**(b) [Notice]** Upon application by a party, counsel, or Court Appointed Special Advocate (CASA), or on the court's own motion, the court may set a hearing and require notice to the agency subject to joinder.

(1) Notice to the agency must be given on Judicial Council Form JV-540 *Notice of Hearing on Joinder*. The notice must set forth the allegations of the agency's failure to meet a legal obligation, as well as any questions the court may wish the agency to address.

(2) The hearing must be set within 30 days of the signing of the notice.

(3) The clerk of the juvenile court must cause the notice to be served on the agency either personally or by first-class mail at least 15 days prior to the time set for hearing.

**(c) [Conduct of hearing]** The hearing must be conducted under rule 1432. The court may not impose duties on a government agency or private service provider beyond those required by statute.

### **Advisory Committee Comment**

2001–Welfare and Institutions Code sections 362(a) and 727(a) state that “Nothing in this section shall prohibit agencies which have received notice of the hearing on joinder from meeting prior to the hearing to coordinate services for the minor.” The Family and Juvenile Law Advisory Committee recommends that the court use section 8 of Form JV-540 to request that agency representatives meet prior to the hearing and that the agency submit a response to the court at least 5 days prior to the hearing.

- The court may make any and all reasonable orders for the child's care, supervision, custody, conduct, maintenance, and support, including medical treatment. In order to facilitate coordination and cooperation among agencies, the court may join, after notice and the opportunity to be heard, any agency or private service provider that has failed to meet a legal obligation to provide services to the child. A private service provider is an agency or individual receiving federal, state, or local government funding or reimbursement for providing services.

4. A HEARING on joinder will be held as follows:
- a. Date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.: \_\_\_\_\_ Div.: \_\_\_\_\_ Room: \_\_\_\_\_
- b. The address of the court is: \_\_\_\_\_ same as noted above.  
\_\_\_\_\_ other (*specify*): \_\_\_\_\_
5. The name of the person and/or agency to be joined is: \_\_\_\_\_
6. Facts supporting the allegation that the person or agency to be joined has failed to meet a legal obligation to provide services to the child (*specify*): \_\_\_\_\_

Welfare & Institutions Code, §§ 362  
and 727

|               |              |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

7. The court poses the following questions to the individual or agency regarding services provided to the child:

8. The court requests:

- a. ☐ Agency representatives meet prior to the hearing to coordinate services and address any alleged failure to meet legal obligations to the child.
- b. ☐ A written response by the agency be submitted to the court at least 5 days prior to the hearing.

Date:

\_\_\_\_\_  
JUDICIAL OFFICER

WELFARE AND INSTITUTIONS CODE  
DIVISION 2. CHILDREN  
PART 1. DELINQUENTS AND WARDS OF THE JUVENILE COURT  
CHAPTER 2. JUVENILE COURT LAW  
ARTICLE 10. DEPENDENT CHILDREN--JUDGMENTS AND ORDERS

§ 362. Court orders; dependent child of the court; child welfare services; appearance before financial evaluation officer; counseling or education programs

- (a) When a child is adjudged a dependent child of the court on the ground that the child is a person described by Section 300, the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the child, including medical treatment, subject to further order of the court. To facilitate coordination and cooperation among government agencies or private service providers, or both, the court may, after giving notice and an opportunity to be heard, join in the juvenile court proceedings any agency or private service provider that the court determines has failed to meet a legal obligation to provide services to the child. In any proceeding in which an agency or private service provider is joined, the court shall not impose duties upon the agency or private service provider beyond those mandated by law. Nothing in this section shall prohibit agencies or private service providers that have received notice of the hearing on joinder from meeting prior to the hearing to coordinate services for the child. The court has no authority to order services unless it has been determined through the administrative process of an agency that has been joined as a party, that the child is eligible for those services. With respect to mental health assessment, treatment, and case management services pursuant to Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code, the court's determination shall be limited to whether the agency or private service provider has complied with that chapter.

(b)–(d) (omitted)

(e) "Private service provider" means any agency or individual that receives federal, state, or local government funding or reimbursement for providing services directly to foster children.

WELFARE AND INSTITUTIONS CODE  
DIVISION 2. CHILDREN  
PART 1. DELINQUENTS AND WARDS OF THE JUVENILE COURT  
CHAPTER 2. JUVENILE COURT LAW  
ARTICLE 18. WARDS--JUDGMENTS AND ORDERS

§ 727. Order for care, supervision, custody, maintenance and support of ward of court; placement; counseling; parental participation

- (a) When a minor is adjudged a ward of the court on the ground that he or she is a person described by Section 601 or 602 the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the minor, including medical treatment, subject to further order of the court. To facilitate coordination and cooperation among government agencies, the court may, after giving notice and an opportunity to be heard, join in the juvenile court proceedings any agency that the court determines has failed to meet a legal obligation to provide services to the minor. However, no governmental agency shall be joined as a party in a juvenile court proceeding in which a minor has been ordered committed to the Department of the Youth Authority. In any proceeding in which an agency is joined, the court shall not impose duties upon the agency beyond those mandated by law. Nothing in this section shall prohibit agencies which have received notice of the hearing on joinder from meeting prior to the hearing to coordinate services for the minor. The court has no authority to order services unless it has been determined through the administrative process of an agency that has been joined as a party, that the minor is eligible for those services. With respect to mental health assessment, treatment, and case management services pursuant to Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code, the court's determination shall be limited to whether the agency has complied with that chapter. . . .